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**FACSIMILE COVER SHEET**Deliver to: Phuong M. Phu, USPTOArt Group: 2611Facsimile No.: (571) 273-8300Date: April 7, 2008From: Brent E. Vecchia, Reg. No. 48,011Our Docket No.: 42P17667Number of pages 17 including this sheet.Application No.: 10/749,987Filing Date: 12/31/2003Docket Due Date(s): 4/8/2008

Enclosed are the following documents:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>13</u> pgs)                        | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( <u>   </u> pgs)   | <input type="checkbox"/> Notice of Appeal (in duplicate)                          |
| <input type="checkbox"/> Application: <u>                    </u><br>( <u>   </u> pgs) w/cover & abstract | <input type="checkbox"/> Petition for: <u>                    </u>                |
| <input type="checkbox"/> Assignment & Cover Sheet ( <u>   </u> pgs)                                       | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input checked="" type="checkbox"/> Certificate of Facsimile  | <input type="checkbox"/> Reply Brief ( <u>   </u> pgs)                            |
| <input type="checkbox"/> Continued Prosecution Application (CPA)  | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( <u>   </u> pgs)  | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: <u>   </u> sheets, <u>   </u> figures                                  | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: <u>                    </u>                                   | <input type="checkbox"/> Response to Written Opinion ( <u>   </u> pgs)            |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)  | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( <u>   </u> pgs)  | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other: <u>                    </u>   | <input checked="" type="checkbox"/> Transmittal Letter                            |

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

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Wendi Lou Rostan

4/7/2008  
Date

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	10/749,987
		Filing Date	December 31, 2003
		First Named Inventor	Neil J. Bershad
		Art Unit	2611
		Examiner Name	Phuong M. Phu
Total Number of Pages in This Submission	17	Attorney Docket Number	42P17667

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Facsimile Cover Sheet</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	April 7, 2008

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Typed or printed name	Wendi Lou Rostan	Date	April 7, 2008
Signature	<i>Wendi Lou Rostan</i>		

Based on PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 10/05/2007.  
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**FEE TRANSMITTAL  
for FY 2007**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

**Complete if Known**

Application Number 10/749,987  
 Filing Date December 31, 2003  
 First Named Inventor Neil J. Bershad  
 Examiner Name Phuong M. Phu  
 Art Unit 2611  
 Attorney Docket No. 42P17667

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge fee(s) indicated below, except for the filing fee ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
- ☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
27	0	50.00	\$0.00
Independent Claims	0	210.00	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple Dependent claim, if not paid
1204 810	2204 405	**Reissue independent claims over original patent
1205 810	2205 405	**Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater. For Reissues, see below

SUBTOTAL (1) (\$)

0.00

**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 460	2252 230	Extension for reply within second month
1253 1,050	2253 525	Extension for reply within third month
1254 1,640	2254 820	Extension for reply within fourth month
1255 2,230	2255 1,115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 510	2402 255	Filing a brief in support of an appeal
1403 1,030	2403 515	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)
1806 180	1806 180	Submission of Information Disclosure Stmt
1809 810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type) Brent E. Vecchia

Registration No.  
(Attorney/Agent)

48,011

Telephone

(303) 740-1980

Signature

Brent E. Vecchia

Date

04/07/08

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/26/2007.  
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**FEE TRANSMITTAL  
for FY 2007**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

## Complete if Known

Application Number 10/749,987  
 Filing Date December 31, 2003  
 First Named Inventor Neil J. Bershad  
 Examiner Name Phuong M. Phu  
 Art Unit 2611  
 Attorney Docket No. 42P17667

**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
- ☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakey, Sokoloff, Taylor & Zafman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge fee(s) indicated below, except for the filing fee ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
- ☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

**FEE CALCULATION****1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
27	28	0	\$0.00
4	4	0	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 \$0	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple Dependent claim, if not paid
1204 810	2204 405	**Reissue independent claims over original patent
1205 810	2205 405	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 80	Extension for reply within first month
1252 480	2252 230	Extension for reply within second month
1253 1,050	2253 525	Extension for reply within third month
1254 1,640	2254 820	Extension for reply within fourth month
1255 2,230	2255 1,115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 310	2402 255	Filing a brief in support of an appeal
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1807 50	1807 50	Processing fee under 37 CFR 1.17(a)
1806 180	1806 180	Submission of Information Disclosure Stmt
1809 810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify) \_\_\_\_\_

SUBTOTAL (2)

(\$)

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type) Brent E. Vecchia Registration No. 48,011 Telephone (303) 740-1980

Signature Brent E. Vecchia Date 04/07/08

Based on PTO/SB/17 (02-07) as modified by Blakey, Sokoloff, Taylor & Zafman (wtr) 02/26/2007.  
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**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2614****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	: 10/749,987	Confirmation No.	: 9976
1 <sup>st</sup> Named Inventor	: Neil J. Bershad	Art Unit	: 2609
Filed	: 12/31/2003	Examiner	: Pablo R. Ovando
Docket No.	: 42P17667	Customer No.	: 7590

**RESPONSE TO OFFICE ACTION**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed February 8, 2008, the Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

**CERTIFICATE OF TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.*

 4/7/08  
Wendi Lou Rostan Date

App. No. 10/749,987  
BEV/wlr

- 1 -

Dkt. No. 42P17667